

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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NATIONAL RAILROAD PASSENGER
CORPORATION,

Plaintiff,

v.

ARCH SPECIALTY INSURANCE COMPANY;
ASPEN SPECIALTY INSURANCE COMPANY;
COMMONWEALTH INSURANCE COMPANY;
FEDERAL INSURANCE COMPANY; LEXINGTON
INSURANCE COMPANY; LIBERTY MUTUAL FIRE
INSURANCE COMPANY; CERTAIN
UNDERWRITERS AT LLOYD’S OF LONDON and
CERTAIN LONDON MARKET COMPANIES
Subscribing to Policy Nos. 507/N11NA08240,
507/N11NA08241, 507/N11NA08242,
507/N11NA08244, 507/N11NA08244,
507/N11NA08245 and GEP 2944; MAIDEN
SPECIALTY INSURANCE COMPANY; MAXUM
INDEMNITY COMPANY; NAVIGATORS
INSURANCE COMPANY; PARTNER
REINSURANCE EUROPE plc; RSUI INDEMNITY
COMPANY; STEADFAST INSURANCE COMPANY;
TORUS SPECIALTY INSURANCE COMPANY; and
WESTPORT INSURANCE CORPORATION,

Defendants.

No. 14 Civ. 7510 (JSR)

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NOTICE OF MOTION FOR SUMMARY JUDGMENT – FLOOD SUBLIMIT

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, and all prior pleadings and proceedings in this matter, Defendants Arch Specialty Insurance Company, Aspen Specialty Insurance Company, Commonwealth Insurance Company, Federal Insurance Company, Lexington Insurance Company, Liberty Mutual Fire Insurance Company, Certain Underwriters at Lloyd’s of London, and Certain London Market Companies Subscribing to Policy Nos. 507/N11NA08240, 507/N11NA08241, 507/N11NA08242, 507/N11NA08244, 507/N11NA08244,

507/N11NA08245 and GEP 2944, Maiden Specialty Insurance Company, Maxum Indemnity Company, Navigators Insurance Company, Partner Reinsurance Europe plc, RSUI Indemnity Company, Steadfast Insurance Company, Torus Specialty Company, and Westport Insurance Corporation, hereby move this Court, before the Honorable Jed. S. Rakoff, United States Courthouse for the Southern District of New York, Room 14-B, 500 Pearl Street, New York, New York 10007, for an order declaring that Amtrak's entire recovery is subject to a flood sublimit of \$125,000,000 per occurrence and in any one policy year, and accordingly, those excess insurers whose policy limits attach excess of \$125,000,000 have no liability to Amtrak, those primary insurers who have already paid their policy limit of \$50,000,000 have no further liability to Amtrak, and those insurers with limits up to \$125,000,000 are, at most, liable to Amtrak only for the covered losses Amtrak can demonstrate that it has incurred up to \$125,000,000.

PLEASE TAKE FURTHER NOTICE that the schedule for briefing on this motion is set forth in the Case Management Plan:

Moving Papers: February 23, 2015

Answering Papers: March 9, 2015

Reply Papers: March 16, 2015

Oral Argument: March 23, 2015

Dated: New York, New York
February 16, 2015

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All other signatories listed, and on whose behalf the filing is submitted, consent to its filing.

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